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ABSTRACT

The Americans with Disabilities Act (ADA) requires that educational institutions make all of their programs, services, and activities readily accessible to and usable by learners with disabilities. The ADA also requires that all screening and testing procedures used to evaluate learners with disabilities be fair, accurate, and nondiscriminatory. Because educational institutions are employers, the ADA also affects their hiring and personnel practices by prohibiting discrimination on the basis of disability in all aspects of personnel selection and management. Adult, career, and vocational educators should view the ADA as both a challenge and an opportunity. Although passage of the ADA cannot change ingrained attitudes against persons with disabilities, it does open the possibility for adult, career, and vocational educators to provide educational opportunities to interpret the law through educational offerings. As appropriate, information about the ADA and its requirements can be part of regular courses or delivered through continuing education and executive development programs. (An annotated list of 25 print resources and resource organizations offering information that adult, career, and vocational educators can use in complying with the ADA and in developing program activities is included.) (MN)

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Americans with Disabilities Act and Adult, Career, and Vocational Education Trends and Issues Alerts

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ERIC Clearinghouse on Adult, Career, and Vocational Education

TRENDS AND ISSUES

ALERTS

by Susan Imel

1994

Americans with Disabilities Act and Adult, Career, and Vocational Education

The Americans with Disabilities Act (ADA) that took effect in July 1992 is the most comprehensive civil rights legislation in the United States since the Civil Rights Act of 1964 (Gostin and Beyer 1993). More extensive in its coverage of persons with disabilities than the Perkins Act, Section 504 of the Rehabilitation Act of 1973, or Part B of the Individuals with Disabilities Education Act, the ADA requires the following of educational institutions (adapted from Morrissey 1993a, p. 22):

- Any program, service, or activity, when viewed in its entirety, must be readily accessible to and usable by learners with disabilities.
- A learner with a disability must be able to access and act on information about a program, service, or activity.
- When evaluating learners with disabilities, screening and testing procedures must be fair, accurate, and nondiscriminatory.
- Learners with disabilities must be able to participate in any activity, service, or program offered.

Because educational institutions are employers, the ADA also affects their hiring and personnel practices since it prohibits discrimination on the basis of disability in "job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment" (Kohl and Greenlaw 1992, p. 216.)

Adult, career, and vocational educators should view the ADA as both a challenge and an opportunity. Like all public and private organizations, educational institutions are subject to the requirements of the ADA, and many schools must develop more comprehensive strategies for serving learners with disabilities. Morrissey (1993a) suggests that asking learners what they need, on a case-by-case basis, is much better than "unilateral guessing" (p. 24). Part of the challenge will be learning to interpret "undue burden" and "reasonable accommodation," broad terms included—but not spelled out—in the ADA (ibid.). Institutions offering community and/or adult and continuing education programs are particularly affected by the ADA as it applies to all services offered to the public sector, not merely educational programs planned for regular students. Once an institution makes a service or program available to the public, it assumes an obligation to provide access for any interested person (Helms and Weiler 1993).

Adult, career, and vocational educators should also view the ADA as an opportunity. According to King (1993), "people with disabilities are the largest, poorest, least educated, and least employed minority in the United States" (p. 44), but not by choice. A 1986 Harris Poll revealed that although two-thirds of all Americans with disabilities between the ages of 16 and 64 were not working, 66 percent of these would have liked to work (West 1993). Adult, career, and vocational educators can provide job training and retraining programs that will equip individuals with disabilities to be competitive in the job market. As a part of this effort, they can work with employers to interpret their responsibilities under the ADA.

Although the passage of the ADA cannot change ingrained attitudes against persons with disabilities, it does open up the possibility for adult, career, and vocational educators to provide educational opportunities to interpret the law through educational offerings. As appropriate, information about the ADA and its requirements can be a part of regular courses (e.g., business and management core courses) or delivered through continuing education and executive development programs (Kohl and Greenlaw 1992). Content that can "dissipate the myths and stigma associated with disability" (Beziat 1990, p. 23) can be included.

The following resources contain information about the ADA that can be used by adult, career, and vocational educators in complying with the ADA and in program development activities. Resource organizations are also included.

Print Resources

Alexander, P. "Informing Our Students of the ADA." *Community Review* 12, no. 1-2 (Fall-Spring 1991-1992): 43-46.
Provides information for informing learners about the ADA, including an overview of the legislation and its relevance both within the business community and society as a whole.

Beziat, C. "Educating America's Last Minority: Adult Education's Role in the Americans with Disabilities Act." *Adult Learning* 2, no. 2 (October 1990): 21-23.
Describes an action plan for adult educators working with students with disabilities that includes examining curricula and facilities for accessibility and using speakers with disabilities as subject experts.

Gostin, L. O., and Beyer, H. A., eds. *Implementing the Americans with Disabilities Act: Rights and Responsibilities of All Americans.* Baltimore, MD: Paul H. Brookes, 1993.
Written by law and disability experts, this book provides explanations of all statutory requirements and addresses unresolved legal, medical, and social questions that have emerged as a result of the law.

Filipczak, B. "Adaptive Technology for the Disabled." *Training* 30, no. 3 (March 1993): 23-29.
Reviews adaptive devices that allow persons with disabilities to perform jobs and how employers can use these technologies to help employees with disabilities to be as productive as others.

Hadley, W. F. "Technology and the Handicapped. Resources in Technology." *Technology Teacher* 52, no. 2 (November 1992): 15-21.
Describes devices that have enabled people with disabilities to move into the mainstream of society and includes design briefs that can be used by students to learn more about designing accessible facilities.

Helms, L. B., and Weiler, K. "Disability Discrimination in Nursing Education: An Evaluation of Legislation and Litigation." *Journal of Professional Nursing* 9, no. 6 (November-December 1993): 358-366.

Reviews and analyzes the reported case law in which health care students have claimed discrimination against education programs because of their disabilities and presents implications for nursing education programs.

Hequet, M. "The Intricacies of Interviewing." ***Training*** 30, no. 4 (April 1993): 31-33, 35-36.
Presents guidelines for interviewing job candidates with disabilities in terms of the ADA and addresses reasonable accommodation issues.

Horton, J. L. ***The Preemployment Process: Avoiding Impermissible Inquiries and the Effect of the Americans with Disabilities Act. NOLPE Monograph Series No. 49.*** Topeka, KS: National Organization on Legal Problems of Education, 1993. (ED 361 842)
Discusses legal considerations in the public school district preemployment process, with a focus on avoiding impermissible inquiries and the effect of the ADA.

King, A. S. "Doing the Right Thing for Employees with Disabilities." ***Training and Development*** 47, no. 9 (September 1993): 44-47, 49.
Provides an experiential exercise that can be used to break down fears and prejudices that nondisabled persons might have toward those with disabilities.

Kohl, J. P., and Greenlaw, P. S. "The Americans with Disabilities Act of 1990: Its Impact on Business and Education." ***Journal of Education for Business*** 67, no. 4 (March-April 1992): 214-217.
Provides a basic understanding of the ADA (i.e., history, provisions, and legal requirements) and gives examples of including ADA in business administration courses.

Leonard, D. E. "Making the Americans with Disabilities Act Work for You." ***Career Education*** 1, no. 6 (August 1992): 23-26.
Suggests how career schools can address the ADA and provides an outline of Titles I and III of the act.

Marczely, B. "The Americans with Disabilities Act: Confronting the Shortcomings of Section 504 in Public Education." ***West's Education Law Quarterly*** 2, no. 2 (April 1993): 227-234.
Describes how the ADA addresses shortcomings in public education's treatment of the disabled by essentially codifying judicial interpretations of Section 504 of the Federal Rehabilitation Act and extending the context of applicability.

Meers, G. D. "Getting Ready for the Next Century: Vocational Preparation of Students with Disabilities." ***Teaching Exceptional Children*** 24, no. 4 (Summer 1992): 36-39.
Examines vocational programming for students with disabilities in the context of the ADA. The law's requirements concerning employment, public accommodations, transportation, state and local government, and telecommunications are summarized.

Morrissey, P. A. "The ADA and Vocational Education." ***Vocational Education Journal*** 68, no. 8 (November-December 1993a): 22-24.
Summarizes what schools must do to guarantee the rights of disabled people, including the role of vocational education.

Morrissey, P. A. ***The Educator's Guide to the Americans with Disabilities Act.*** Alexandria, VA: American Vocational Association, 1993b. (ED 363 078)
The guide explains legal requirements under the ADA and other laws, offers practical advice on how to meet legal mandates effectively and affordably, and provides checklists and worksheets to assess situations and plan needed actions.

Navran, F. J. "Hiring Trainers with Disabilities." ***Training*** 29, no. 7 (July 1992): 24-26, 31.
Uses the ADA requirements to provide a rationale for training managers to hire qualified applicants who happen to have a disability.

Shelton, M. M. "The Americans with Disabilities Act: A Primer for Principals." ***Principal*** 37, no. 2 (November 1993): 35-37.
To comply with ADA requirements, principals should be prepared to identify each job's essential functions, prepare a written description for each job, provide reasonable accommodations, establish job-related qualification standards, and open the application process to persons with disabilities.

West, J. "The Evolution of Disability Rights." In ***Implementing the Americans with Disabilities Act: Rights and Responsibilities of All Americans***, edited by L. O. Gostin and H. A. Beyer. Baltimore, MD: Paul H. Brookes, 1993.
Examines the social and policy contexts of the ADA in terms of the evolution of attitudes toward persons with disabilities. Uses as lenses the experience of disability in the United States, the changing language of disability, and the history of federal disability rights legislation over the past 20 years.

Wehman, P., ed. ***The ADA Mandate for Social Change***. Baltimore, MD: Paul H. Brookes, 1993.
This book analyzes the effectiveness and implications for social change of the ADA, outlining several issues (legal implications, physical accessibility, transportation options, employment opportunities, and recreation) that stimulate community action for full inclusion.

Resource Organizations

Americans with Disabilities Act Information Line, (800) 514-0301 (voice); (800) 514-0383; (202) 514-0301.

ERIC Clearinghouse on Disabilities and Gifted Education, Council for Exceptional Children, 1920 Association Drive, Reston, VA 22091-1589; (703) 264-9474; (800) 328-0272; (703) 264-9494; Internet: ericec@inet.ed.gov

HEATH (National Clearinghouse on Postsecondary Education for Individuals with Disabilities), One Dupont Circle, Suite 800, Washington, DC 20036-1193; (800) 544-3284 (voice and TT); (202) 939-9320 (voice and TT); (202) 833-4760 (fax); Internet: HEATH@ACE.NCHE.EDU

National Adult Literacy and Learning Disabilities Center, Academy for Educational Development, 1255 23rd Street, NW, Washington, DC 20037; (202) 862-1487.

National Council on Disability, 1331 'F' Street, NW, Suite 1050, Washington, DC 20004-1107; (202) 272-2004 (voice); (202) 272-2074 (TT); (202) 272-2022 (fax).

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